

**Performance Evaluation  
David A. Colton  
Town Administrator  
2015-2016**

1. Financial

Town Administrator shall work closely with the Selectmen, Finance Committee, Budget Sub-committee, and Town Accountant in providing financial leadership.

Objectives:

- Carefully navigate entries into the bond market for FY 2016 capital program to ensure that bond rating is not harmed from excessive use of stabilization fund.
- Begin pre-planning activities for a bond rating proposal to Standard and Poors in 2017.
- Hold no fewer than 2 budget sub-committee meetings in the fall of 2015 to articulate fiscal goals and objectives, as well as strategies for implementation, to the town.
- Present a Capital Budget to the Fall Town Meeting for approval.
- Present the FY 2015 Summary Financial Condition Report in December 2015.
- Present the Community Comparison Report in early 2016.
- Identify areas for savings and potential budget busters.
- Identify grant and other funding opportunities.
- Carefully monitor transition to Group Insurance Commission products.
- Gather departmental budget requests and refine them in coordination with department heads during January 2015.
- Present a fiscal year 2017 budget and budget message on or before March 1, 2016 as required by the Town Charter.

**Exceeds Expectations: The Town entered the bond market in August of 2015, successfully maintaining its rating while issuing \$5.7M in general obligation bonds and \$7.4M in short-term notes.**

**We conferred with our financial advisors and determined that the adoption of a fund balance policy should be a priority if we plan to seek a new rating. The Selectmen adopted a fund balance policy and a full range of financial policies were drafted and are pending approval.**

**The Budget Sub-Committee has met regularly over the fall and winter; and a Capital budget of \$1,424,000 was approved at the Special Town Meeting held November 16, 2015.**

**The Financial Condition Report has been completed, but not presented to the Board since the Financial Condition of the Town is being thoroughly examined through the budget process especially as it relates to the override requests and time has not been available at a meeting to do so. The report will be released**

**soon. We completed a major (unplanned) overhaul of the Town Budget document and on-line budget page including an override tax impact calculator which has been well received by the community. The revised and expanded budget was delivered three weeks ahead of schedule on February 8.**

**The Community Comparison report was presented in January, 2016.**

**We entered into power purchase agreements that will reduce the Town's electric bill by \$222,846 over 2 years.**

**We will pursue a re-negotiation of the town/employee health insurance premium split. An incentive program has been introduced to encourage employees to choose lower cost health insurance plans.**

**We regularly apply for and receive grant funding through various departments, such as public safety, green communities, and Council on Aging. This year we will also receive two grants and technical assistance through the Community Compact Program.**

**We successfully completed negotiations with AvalonBay which will pay the Town \$3.9M towards the construction of sewers in the five corners needs area, in addition to the \$2.6M negotiated in the permitting process for general mitigation. This brings the total public benefit, beyond tax payments, to \$6.5M not including permit fees.**

**We will be utilizing a mixture of bonding and SRF funding to finance the Queset Sewer District project, rather than relying solely on bonding, reducing interest payments by approximately \$500,000 over the life of the borrowings.**

**Dottie Fulginiti - Exceeds expectations.**

David and the finance team have done a great job discovering new areas for savings. An example is the tax title auction which generated nearly \$1M in revenue. After extensive research and planning, the move to change to the GIC Healthcare Plan realized over 800k in savings. David has brought forth financial policies that will assist the town in maintaining a high credit rating. This allows us to obtain the lowest borrowing rates which save the town money. This year posed new financial challenges with the potential of an override. To better communicate the town's financial position, David generated extensive reporting, two budgets (regular and override) and an enhanced and updated budget presentation. David successfully and strategically worked with the Selectmen to achieve a highly favorable mitigation agreement with Avalon. He also capitalized on the opportunity to accelerate the inter-municipal sewer agreement with Mansfield. To date, the project is already showing signs of coming in under budget for the initial phase.

**Kevin McIntyre – Meets expectations.**

The town budget booklet was a very valuable tool and a great innovation. I was disappointed with the lack of support for the operational audit.

**Dan Murphy- Exceeds Expectations.**

In a year when the focus was on developing two budgets and communicating effectively with the public, David met every timeline and produced presentations and documents that made the process clearer and more detailed to every potential audience.

**Carol Nestler – Meets expectations.**

David has done a nice job on this item on the whole. I was disappointed with the lack of a time line on the final sewer payments from Avalon. Any delay of the \$850,000 final payment from Avalon will increase betterment costs to all users (\$17000 annually in additional interest costs). Should we never receive that final payment, the users in the district could pay a higher betterment coast than under any other scenario, with or without Avalon.

**Town Administrator Response: The comment is well taken, but we all should keep in mind that the betterments being cited are projections of betterments to be assessed on a sewer district that does not yet exist, Therefore, the entire financial arrangement is subject to a range of potential changes from many variables, including the Avalon payments.**

2. Human Resources Management and Labor Relations

The Town Administrator shall interact with employee groups in good faith; in an atmosphere of mutual respect and trust.

Objectives:

- Work with the Human Resources Board to update the Town anti-discrimination language in the personnel bylaw.
- Work with the Human Resources Board to bring the maternity and paternity leave provisions of the by-law into compliance with state law.
- Diligently conduct negotiations with Police, Fire, Clerical, Administrative and Professional, Water, and DPW bargaining units for 2016-2018 successor agreements.
- Prepare and submit a revised Personnel Plan in accordance with town by-laws.
- Assist the Town Clerk in developing policies around poll workers.
- Implement a workplace anti-violence policy.

**Meets Expectations: The Human Resources Board has met and approved by-law changes to be recommended to Town Meeting in May.**

**All Collective Bargaining units are currently under contract.**

**The Personnel Plan will be submitted in April, and the poll worker and workplace anti-violence policies have been adopted.**

**Dottie Fulginiti - Meets expectations.**

David met all the expectations set forth in his goals and objectives. I'm pleased that our Human Resources Board is keeping current with workplace policies as regulations change on the state and federal level. David has done a good job working with the unions to ratify all contracts in a timely manner.

**Kevin McIntyre – Meets expectations.**

**Dan Murphy – Meets Expectations.**

In addition, helped make the VSO transition seamless.

**Carol Nestler – Meets expectations.**

I agree that David has met expectations.

3. Community Relations

The Town Administrator shall be an active participant in the Easton community.

Objectives:

- Attend off hours community events as time allows.
- Develop positive and productive relationships with civic, business, and other groups important to the Town of Easton.
- Continue to produce regular local access TV programming to improve the dissemination of information to the community.
- Conduct the town's business in an open and transparent manner; maintain credibility with the media and general public.

**Exceeds Expectations: Transparency has been a major effort this year with the ClearGov website and re-vamped budget presentation document. In addition, I have become a member of the Easton Lion's Club. Unfortunately, I have not yet produced a Town Manager TV episode this year. I have rethought the format, and five new episodes of Town Manager TV are being produced for local cable for air in April and May.**

**I have been an active participant of the Economic Development Council, serving on an RFP selection committee to procure the videography services necessary to create an episodic video series marketing the many amenities in Easton which make it a desirable place to live.**

**Easton continues to be a leader in transparency, evidenced by our success in a public records test conducted by students at Northeastern University wherein Easton was among the minority of all municipalities who fully and faithfully complied with public records laws.**

**I have advocated for improved public records law in the Boston Globe and was recently featured on the topic in the Brockton Enterprise.**

**The Town continues to make information readily available on our website, including: gross payroll earnings for all employees, line item budgets for all departments, agenda packets for all Selectmen's meetings and more.**

**Dottie Fulginiti - Meets expectations.**

This year, David has supported and implemented several tools to enhance community relations and communications such as Clear Gov, the enhanced budget format and the online tax impact calculator. David has recently participated in several ECAT shows with residents chatting informally about the budget and override. David has been an advocate of information accessibility and availability. Residents report to me that when they request data from the town, their requests are met and fulfilled in a complete and timely manner.

**Kevin McIntyre – Meets expectations.**

**Dan Murphy – Exceeds Expectations.**

The level of interaction and communication with the community at large is higher and of better quality than most municipalities. Willingness to work with varied groups has been a strength and hallmark of David's tenure.

**Carol Nestler – Meets expectations.**

The cleargov.com website and new budget presentation are fantastic additions to the tools provided to the citizens of Easton to understand how their money is spent. David gets big kudos from me with respect to both of these items. While we talk about transparency I often feel this presentation of the information is not broad enough. As an example, when we talk about COLA increase of 1, 2 and 3% the belief is that employees are getting only that amount as an increase and disregards the amount of step increases. When we are presenting the amount the override will increase taxes we present only the override amount and neglect to include the normal annual increase or the CPA increase. While the information presented it accurate it fails to give the citizens the true picture of what is happening or could happen. This kind of presentation will likely make some in the community feel as they have been duped and can increase mistrust and frustration with government.

**Town Administrator Response: Although we always attempt to provide information that is comprehensive, given limitations of time and resources, we must make judgments about how much information is enough. Sometimes we are given feedback that we have gone on too long and over-done the level of detail, at other times feedback indicates that we have not said enough. Striking a balance is always the challenge, one we meet with regularity.**

4. Quality of Life

The Town Administrator shall develop and support programs that improve the quality of life for all Easton residents.

Objectives:

- Pursue a favorable Surrounding Community Agreement through the Massachusetts Gaming Commission process relative to the proposed Brockton Casino.
- Work with the Planning Director to develop the next phase of the North Easton Village revitalization project.
- Work with appropriate personnel to implement the new Department of Health and Community Services.
- Support efforts to improve recreational facilities and programs.
- Support efforts to renovate important public facilities such as Moreau Hall, Center School, Parkview School, and Frothingham Hall.

**Exceeds Expectations: We actively pursued a favorable surrounding community agreement, although we did not succeed at arbitration, the Town will receive \$60,000 up front and \$130,000 annually if the Brockton Casino is built.**

**The Community Preservation Committee is recommending funding in the amount of \$60,000 to design improvements to the “Rockery and surrounding area”, moreover I participated in a series of collaborative meetings with board members of Oakes Ames Memorial Hall which have had a positive impact on their planning process.**

**Various planning activities conducted this year such as the Downtown Parking Study and the advancement of the Rockery design to Annual Town Meeting in 2016 will contribute towards the next phase of the North Easton revitalization.**

**The Department of Health and Community Services is off to a strong start, and we obtained funding for Allie’s Park off Pine Street at the fall Town Meeting.**

**Following the harsh winter of 2014-2015, my Office collaborated with Public Works and Health and Community Services to launch a Snow Removal Reference List program where interested volunteers and private contractors may offer private snow removal for members of the community.**

**We continue to pursue funding for the School Buildings through the MSBA and I have re-started the Frothingham Hall project through advocacy of its inclusion in the override question.**

**Dottie Fulginiti – Exceeds expectations.**

David has achieved all the goals on this list. I’m especially pleased about the restructuring that created the Health and Community Services department. The seniors and veterans that I speak with have told me that they appreciate the wide variety of services that are available in one location. David has also been extremely supportive of Easton Wings of Hope, a community coalition with a mission to reduce youth substance abuse through education, awareness and policy change. David has worked closely with this group, the Board of Health and the Police and Fire department to solidify the relationship between the town and the coalition. Under David’s leadership, Easton is taking a proactive approach to reduce substance abuse and provide resources and assistance to those in need of services.

**Kevin McIntyre – Meets expectations.**

The Department of Health and Community Services consolidation has been accomplished and appears to be functioning smoothly. Due to events not entirely under the Town’s control the revitalization of the North Easton Village has stalled.

**Dan Murphy - Meets Expectations.**

Many projects are underway that will improve quality of life in Easton. Many will take time to come to fruition, but the seeds have been planted.

**Carol Nestler – Exceeds expectations.**

David has exceeded expectations in this area.

5. Planning and Economic Development

The Town Administrator shall actively participate in the planning process especially with regard to housing, economic development, open space enhancement, historic preservation, and transportation enhancement.

Objectives:

- Work with the Chair of the Economic Development Council as it moves from a start-up to mature organization, including, the development of marketing materials and an EDC webpage.
- Carefully monitor the AvalonBay and Meadowview housing developments to ensure timely permitting and construction that achieves the Town’s goal of reaching 10% affordable housing units.
- Work with the Town Engineer to design and construct sewers in the designated Queset sewer district.
- Complete the inter-municipal agreement with Mansfield and initiate design and permitting.
- Continue efforts to pursue wastewater service for the Easton Industrial Park.
- Conduct vigorous public outreach regarding the five corner’s wastewater needs area.
- Work to ensure the development of Queset Commons in accordance with the Development Agreement and all permits.
- Work to ensure a successful re-development of 114 Main Street.
- Support the finalization of Easton’s cultural district designation.
- Support and participate in the Master Planning implementation process.

**Meets Expectations: The planning and financing of the sewer development in the five corners and Queset areas has gone as well as could have been expected. Now that the City of Brockton and Stonehill College have reached an agreement over sewer service, we can open talks with Brockton over the Industrial Park. I expect to take that initiative up after Town Meeting. The Queset Commons Development agreement was revised and improved such that two buildings (60 condominiums and a commercial/retail building) are now before the Planning Board for approval.**

**The Economic Development Council has successfully negotiated the replacement of the Industrial Park Sign by Compass Medical and a series of EDC sponsored promotional videos are being produced for on-line release this spring. [www.thinkeaston.com](http://www.thinkeaston.com), the EDC's official webpage, went live this spring.**

**The Cultural District is finalizing their application for state designation and is seeking final approval by the Massachusetts Cultural Council this May.**

**The major disappointment of the year is 114 Main Street as the parcel remains vacant with no plan in place for its development. Despite the Town's best efforts in securing wastewater capacity, the property itself, and permits granted by the Historical Commission, Planning and Zoning Board the project remains mired in ill-advised litigation between the developer and the Board of Appeals.**

**Dottie Fulginiti - Exceeds expectations.**

This year has brought forth several opportunities to enhance economic development. Bringing sewer to Queset and Five Corners has required an "all hands on deck" approach requiring a great deal of research, strategy, execution and public outreach. At the same time, several friendly 40B proposals came forward, each posing their own pros and and cons. David assisted in providing the Selectmen with all the resources we needed to make a decision that ultimately allowed the town to achieve its 10% Affordable housing goal. David has continued to move current development projects forward including Queset Commons. David has been a supporter of the Economic Development Council and it's efforts to promote Easton as a great place to do business.

**Kevin McIntyre – Meets expectations.**

We look forward to the commercial development that we hope the sewer districts enable.

**Dan Murphy – Meets Expectations.**

Economic Development has been a focus for a long time and projects are becoming reality. Queset Commons and two major sewer projects lead the way.

**Carol Nestler – Meets expectations.**

Again I would say in most areas David has done very well. The Main Street parcel continues to be a disappointment to us all with continuous setbacks. I would like to see a more proactive approach and a coming together of the smart people who run this community to find a workable approach to this issue. There are challenges and personalities that make this situation difficult, but it needs to be resolved at something other than a snail's pace. I would love to see some introspective analysis of all of the issues that have arisen and the potential ways they could have been avoided.

6. Infrastructure and Public Works

The Town Administrator shall actively participate in the development of infrastructure improvement planning and implementation.

Objectives:

- Assist with the implementation of the ESCO energy efficiency and conservation measures proposed by DPW.
- Assist the Water Division in renewal of the Water Management Act permit and support the division in maintaining high standards.
- Continue to advocate for solar development that benefits municipalities.
- Assist the DPW, School Department and Green Communities Committee in implementing the five-year plan and further grant applications to the DOER for its implementation.
- Assist the DPW Director in planning and construction the pavement management program and transportation enhancements in the following locations:
  - Route 123 at Center Street
  - Intersection of Routes 138 and 106.
  - Route 138 at Union Street
  - Route 138 at Elm Street

**Exceeds Expectations: All of the transportation projects are moving forward. The Union and Washington Street intersection is in line for \$1M in State and Federal construction funding slated for advertisement for bid in federal fiscal year 2017. The Elm at Washington project has been approved by the State, but is not yet funded. It is now a \$4M State and Federal eligible project that will completely revamp the intersection and Washington Street between Elm and Union. The Depot Street project is in 25% design, estimated at over \$7M and programmed for funding in federal fiscal year 2019. The intersection of 138 and 106 is currently under construction.**

**Our pavement management program has successfully turned the tide on the deterioration of the overall condition of our local roads. However, supplemental local funding runs out this year and needs to be replaced or conditions will worsen because state funding is not adequate.**

**Our successes in the area of energy conservation and alternative energy are well documented. I am a leading voice for solar development having been named by the Governor to represent municipal interests on the Solar and Net Metering Task Force and as an invited speaker at conferences.**

**While our solar projects are currently on hold due to the existing net-metering cap, I secured favorable net metering agreements through community share solar programs which allow the Town to purchase credits from solar arrays *outside* of Easton which have not yet hit the cap while also allowing residents and businesses to procure cheaper electricity supply through [www.solarizemybill.com](http://www.solarizemybill.com)**

**Dottie Fulginiti – Exceeds expectations.**

As a member of the Net Metering Task Force, David was instrumental in leading the charge to convince Governor Baker to lift the net metering cap for solar projects. This allows Easton to move forward with solar projects on the roofs of the schools which will generate further energy savings for the town. David is well recognized by his peers as an industry leader in creative municipal energy solutions.

**Kevin McIntyre – Exceeds expectations.**

David’s contacts and knowledge of the state requirements have served our community well.

**Dan Murphy - Exceeds Expectations.**

The two newest sewer districts are the most important projects in a long time. Reducing taxpayer dependency can only be achieved by attracting commercial development and these are crucial steps in this process. This, more than anything, will have the most long lasting impact on Easton.

**Carol Nestler – Exceeds expectations.**

I agree with this assessment.

7. Town Government Efficiency and Effectiveness

The Town Administrator shall strive to improve the overall effectiveness and efficiency of Town government.

Objectives:

- Ensure that appointed town boards and committees are adequately supported by staff.
- Strive to ensure that the best possible quality of services is delivered to the public with courtesy and respect at all times.
- Continue to annually review the performance of essential department heads and Town Counsel.
- Continue the enhancement of the Town’s capabilities with regard to the web site and social media.
- Implement e-permitting for remaining users.
- Following complete implementation of e-permitting, coordinate staff with the Economic Development Council to revise “Doing Business in Easton?”

**Meets Expectations: Boards and Committees have access to staff and the major Boards have dedicated staff time, all department heads have been evaluated and their goals are published on the website. E-permitting is complete for Planning and Zoning, Conservation, Building, Plumbing, Wiring, and Selectmen. It is in progress and nearing completion with the Health Department for annual permits. Clerks, Police and Fire remain. I expect this to be fully complete by June 30.**

**Dottie Fulginiti - Meets expectations.**

David has done a good job of continuing to improve government efficiency and

effectiveness. Recognizing the opportunity to provide improved outreach and services to seniors and veterans is an example of one of the ways operations have been enhanced. There have also been some changes and consolidation in other departments. David has ensured that committees have proper recording secretaries and that certain boards with legal responsibilities are set up with town email addresses. David was eager to become involved when there was concern from the Real Estate Community about some processes involving multiple departments. David set up a meeting with numerous members of the real estate community and department heads in an effort to improve communications and properly establish expectations and areas for process improvements. David has worked collaboratively with the Audit Committee to provide guidance and insight to help the committee generate a successful operational audit. David will also work with the committee to create an RFP and will oversee the procurement process to ensure compliance with state procurement regulations.

**Kevin McIntyre – Meets expectations.**

**Dan Murphy - Meets expectations.**

**Carol Nestler – Meets expectations.**

I agree with this assessment.

#### 8. Service and Support to the Board of Selectmen

The Town Administrator shall be responsive to the needs of the Board of Selectmen.

Objectives:

- Keep the Selectmen well informed of the matters under his control.
- Prepare high quality analyses and accurate information regarding the various issues facing the Town.
- Include an update on at least one project or department at each meeting of the Board, as time allows.

**Meets Expectations: I believe that the Selectmen are provided with everything they need. In light of the potential operational override in the coming fiscal year, I have conducted significant financial and budgetary analysis for the Selectmen and the public and have made all of it available on our budget webpage.**

**Department Heads routinely updated the Selectmen at their regularly scheduled meeting, although his practice has been put on hold temporarily to maximize discussion time for the Annual Town Meeting warrant and FY2017 budget.**

**Dottie Fulginiti - Meets expectations.**

David is readily accessible and provides the Board with the materials that we need to do our job effectively. He is immediately responsive when we require further information or explanation and his door is always open when I have a question or when I want to brain storm an idea.

**Kevin McIntyre – Meets expectations, with a couple of exceptions.**

Finding out about a Federal subpoena to the town by reading a newspaper article was disappointing, and Selectman Nestler's requests for information on the Gill property have appeared to have been a difficult process.

**Dan Murphy - Exceeds Expectations.**

David has done everything I have asked as chair in two years. From providing information to leading staff in important directions, his support and service has been appreciated.

**Carol Nestler – Fails to meet expectations.**

This is the area I struggle with the most. I have for many months (almost 2 years) tried to find out the cost of the clean-up for the Gill Property to no avail. The answers have not been forthcoming and it has taken continued probing to try to get some resolve. I believe at least one of my emails were not responded to and quite frankly it feels like there has been an effort to avoid giving me the information I requested. I read about the Joyce Subpoena's in the local newspaper. A recently added feature called "a variety of things" which is to be a monthly (approximately) update of information not routinely talked about at our meetings has not been issued since October. It was a very helpful report. I think in this area David needs improvement.

**Town Administrator Response: We provide the Selectmen with thousands of pages in hundreds of documents each year. We produce a packet of information for the twice monthly board meetings, as well as, financial and other reports related to projects. As far as the Subpoena, I did inform Counsel and the Chair. As for the monthly summary, it was added last year and for clarification has resumed so at this point it is not accurate to say it hasn't been issued since October. It would be accurate to say that it was not issued between November 2015 and May 2016. I agreed to make this report as needed and often as I could, given the level of communication that occurs regularly (I count 250 emails over the last 30 days in my sent emails file that selectmen were sent or copied on) there is often not a lot new to say. Also, that period was consumed with the budget process last year, which as you know, was arduous.**

**I object to the following inclusion of an email string as it is not representative of my performance in this area. My communication with the Selectmen via email is, with very few exceptions, forthright, swift, comprehensive and on-point. Singling out this one string is an unfair characterization. In addition, this kind of inclusion is poor practice. Imagine if I were to reprint the many examples of stellar communication, timely responses including on weekends and evenings, and thoughtful responses on complex subject matter. I admit that my responses on this matter were not my best work, let's leave it at that.**

**Carol Nestler Update 07/01/16:** In response to my comments regarding the Gil Property David wrote in an email to us about his annual review the following "My responses regarding the Gill property have been, to the extent I understood the questions, complete. I now think I have a better grasp of the questions and expect to be able to begin to provide more responsive

answers soon". I have attached a summary of all email correspondence I could find regarding my inquiries into the Gil Property.

Mon 8/18/2014 7:22 AM  
Good Morning David,

Listed below are the issues/questions that I have with the Gill property p&s. Listed below are the issues/questions that I have with the Gill property p&s.

1) The p&s makes no mention of the clean up of that property. In fact it specifies that it is "as is" condition. Having walked through portions of that property it seems that clean up could be significant.

a) Do we have a quote or any idea what it will cost to clean up the property?

1. How would we pay for this clean up?

2. Will the cost come out of the Town's general funds?

3. What is the time frame for removing trash and debris from the Gill property after the closing?

2) Do we know if there is any risk for environmental contaminants at this location?

3) Has the CPC seen the p&s? If so do they have any concerns?

4) There was a question regarding the easement for the power lines and potential revenue from that. Do we have any additional information on that?

5) Will there be a detailed discussion about the use/non use of the property for a waste water treatment plant? I think it is important to publically discuss the conversations that occurred regarding the questions on Town meeting floor, the short and long term potential uses for the Gill property with respect to any WWTP or any other municipal use.

Thanks  
Carol

Nestler, Carol  
Mon 8/18/2014 9:45 AM  
Sent Items  
To:  
Colton, David;

...  
Hi David,

I forgot to mention in the memo below that I would want to know about any clean up costs etc, before moving forward with the p&s.

Thanks  
Carol

Nestler, Carol  
Mon 8/18/2014 10:39 AM  
Sent Items  
To:

Colton, David;

...

Hi David,

Thanks for that response. Sorry I missed the rider and letter. The letter is a good explanation. I know it will go to Elaine, can it be posted somewhere as well?

I read the rider and I am not sure how it addresses both of my questions. Does the rider cover us if we find out that to haul away the personal possession left on property is going to cost (whatever) that we can get out of the p&s?

Thanks

Carol

Colton, David

Mon 8/18/2014 4:22 PM

To:

Nestler, Carol;

...

Cc:

Corona, Colleen;

Murphy, Daniel;

Fulginiti, Dottie;

Smith, Daniel;

Jay <jay@bbmatlaw.com>;

...

You replied on 8/26/2014 11:32 AM.

Carol,

Remember the old saying, "don't cross bridges before you reach them" ?

The due diligence (allowed by Rider A) that will answer our clean-up questions cannot be done until execution of the P&S. Think of it as a home inspection. When you bought your house you signed a P&S that was likely subject to a home inspection contingency. If the home inspection revealed big problems, you could back out and get your deposit back. If the due diligence reveals a big problem, we back out. If it reveals a small problem we make a judgment call. This is pretty standard stuff for land transactions.

"As is" is typical for vacant land and was a function of the negotiation.

David

Nestler, Carol

Tue 8/26/2014 11:32 AM

Sent Items

To:

Colton, David;

...

You forwarded this message on 9/12/2014 8:18 AM.

Hi David,

As part of the site walk and environmental inspection that is happening can we get a quote or estimate of the cost of clean up of the debris on that property? My fear is that it will be a significant expense.

Thanks  
Carol

Nestler, Carol  
Fri 9/12/2014 8:18 AM

Sent Items

To:

Colton, David;

...

Cc:

Murphy, Daniel;

Fulginiti, Dottie;

Smith, Daniel;

Corona, Colleen;

...

Good Morning David,

I just read the executive summary regarding the Gill property. I see that there is some concern based on the "solid waste" at the Gill property. I am not sure if I am still "putting the cart before the horse" with respect to my request below or not. I would like to reiterate, that I would like some kind of a quote for trash clean up at this location (non REC items) before any final decisions are made on this location.

Thanks for your help.

Carol

Colton, David  
Fri 9/12/2014 8:36 AM

To:

Nestler, Carol;

...

Cc:

Murphy, Daniel;

Fulginiti, Dottie;

Smith, Daniel;

Corona, Colleen;

Jason (Jay) Talerma <jay@bbmatlaw.com>;

Danielson, Stephanie;

...

You replied on 9/12/2014 9:22 AM.

Yes, Carol. As soon as we know the extent of the clean-up, we will estimate the cost.

**Selectmen,**

**I am pleased to report that the investigation of the Gill property revealed no contaminants of concern. We will be seeking costs from the Seller of approximately \$25,000 to cover the investigation and removal of solid waste.**

**David**

Nestler, Carol  
Sun 10/11/2015 8:48 AM  
Sent Items  
To:  
Murphy, Daniel;  
...  
Hi Dan,

Can we add to the agenda items?  
Arbitration with paving contractor  
Gill property clean up

Also I assume we will be getting an update from Howe? Is that on for the next meeting.

Thanks  
Carol

Murphy, Daniel  
Thu 10/15/2015 2:27 PM  
Inbox  
To:  
Nestler, Carol;  
...  
David will address the arbitration and Gill clean up in notes.

There is a meeting with Dave on Tuesday. No update until then. Everything going very smoothly. Lawyers have hashed out legal arrangements to put court actions in abeyance for 3 months.

Dan Murphy  
Chair, Easton Board of Selectmen  
617-293-4758

Nothing was addressed in the notes section of the 10/19/15 meeting

Nestler, Carol  
Thu 1/7/2016 9:35 AM  
Sent Items  
To:  
Colton, David;  
...  
Good Morning David

I see that the clean up has started for the Gill property. Is that process going to be within the 25K that we were told it was going to be when we signed the P&S and also did we set the money aside for the clean up?

Thanks  
Carol

**From:** Nightingale, Wendy  
**Sent:** Thursday, January 07, 2016 9:56 AM  
**To:** Colton, David  
**Subject:** RE: Gill property clean up

We are only going to spend around \$11,000, which we are scraping up from excess funds in the debt budget to use as a BAN paydown. The \$25,000 was deducted from the purchase price instead of being put in escrow at the closing so when the BAN was paid off and bonded it was only for the net amount. We issued a BAN for the full purchases price so we can't reborrow the \$25,000. The paydown is the only way we can make it work.

**Wendy Nightingale**  
Town Accountant  
Town of Easton  
136 Elm Street  
N. Easton, MA 02356  
T (508) 230-0563  
F (508) 230-0569

**From:** Colton, David  
**Sent:** Thursday, January 07, 2016 9:46 AM  
**To:** Nightingale, Wendy  
**Subject:** FW: Gill property clean up

**Refresh my memory on the source of funds.**

Nestler, Carol  
Thu 1/7/2016 3:13 PM  
Sent Items  
To:  
Colton, David;

...

So the entire clean up is costing 11K??? that seems remarkably cheap. Did we get a great deal?  
Thanks for the info.  
Carol

As far as I can tell, there was no response to this email.

Nestler, Carol  
Fri 3/11/2016 8:08 AM  
Sent Items  
To:  
Colton, David;  
...  
Cc:

Nightingale, Wendy;

...

Ok I see that there are still people cleaning up the Gill property or perhaps they are doing some other work I am unaware of. I assume we sent this out on RFP? Can you please send me copies of the bids we received and who we selected to do the work. Are the cost still within the 25K that was quoted at the time of purchase? If not where did we get the original quote?

Thanks

Carol

Colton, David

Fri 3/11/2016 3:23 PM

Inbox

To:

Danielson, Stephanie;

...

Cc:

Selectmen;

Field, David;

...

You replied on 3/11/2016 3:58 PM.

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Bing Maps

Thank-you Stephanie and Dave....Great work as always!

Sent from my iPad

On Mar 11, 2016, at 1:50 PM, Danielson, Stephanie <[SDanielson@easton.ma.us](mailto:SDanielson@easton.ma.us)> wrote:

David,

As Dave indicates in his email, the DPW initiated the quote solicitation. KLK Enterprises (Kenny Kostka) was selected for two reasons: 1) the other two firms did not respond and 2) it was determined the quote was reasonable for the work. Work began mid-December. Once KLK was in there they determined they could remove all the trailers on the site (not included in the original solicitation or quote) for an additional \$3,000 bringing the total to \$9,200.

After the initial clean-up was completed Mr. Kostka submitted a second proposal to push further back into the site and finish cleaning the front portion of the site. This quote, which was for \$9991.00. Since no other firm responded the first solicitation which was for essentially the same type of work and again, the cost was determined reasonable for work, the work was authorized.

I've attached a copy of the Quote Solicitation form and the quotes received from KLK.

**From:** Colton, David

**Sent:** Friday, March 11, 2016 9:33 AM

**To:** Danielson, Stephanie

**Subject:** Fwd: Gill property clean up

?

Sent from my iPad

Begin forwarded message:

**From:** "Field, David" <[DField@easton.ma.us](mailto:DField@easton.ma.us)>  
**Date:** March 11, 2016 at 9:21:47 AM EST  
**To:** "Colton, David" <[DColton@easton.ma.us](mailto:DColton@easton.ma.us)>  
**Subject:** RE: Gill property clean up

David,  
DPW solicited quotes on behalf of Stephanie Danielson for the cleanup and we received only one response from KLK Enterprises, Inc. for \$8,900. Capone Bros and Bosse Construction did not respond. This information was given to Stephanie Danielson who is running the cleanup project.

David J. Field, P.E.  
Director of Public Works

Town of Easton  
130 Center Street  
North Easton, MA 02356  
(508) 230-0800 – Office  
(508) 230-0812 – Direct

**From:** Colton, David  
**Sent:** Friday, March 11, 2016 9:06 AM  
**To:** Field, David  
**Subject:** Fwd: Gill property clean up

?

Sent from my iPad

**From:** Carol Nestler [<mailto:cnestler@hotmail.com>]  
**Sent:** March 11, 2016 5:14 PM  
**To:** Williams, Avery (RBC Wealth Mgmt)  
**Subject:** RE: List of Easton Lions TV Auction Items

Hi Avery,

I am glad you emailed me just now. I was just reading some CPC meeting minutes and you give an update on the cost of clean up for Depot Street. It was estimated by the Town Engineer at 25K and the best bid you received was 75K. You did the update and said it was from the Depot Street Subcommittee? Can you tell me who was on that committee (or still is) and what committee it was formed from? Also are there any meeting minutes?

Thanks for your help!

Carol Nestler

**Admittedly I make no reference here at all as to the date of the meeting minutes that I reference in the email questions.**

**From:** Williams, Avery (RBC Wealth Mgmt) [<mailto:avery.williams@rbc.com>]

**Sent:** Saturday, March 12, 2016 4:43 PM

**To:** Anderson, Gary

**Subject:** FW: List of Easton Lions TV Auction Items

Gary – help me with the wording of this for reply to Carol. I do not know names of the sub-committee people.

I have no meeting scheduled on my calendar for the sub-committee; do you know of one?

**Learn more About Us** [VIDEO](#)

**Avery Lee Williams**

Senior Vice President

**RBC Wealth Management**

5 Bristol Drive; Easton, MA 02375

(508) 230-8960

[WilliamsInvestmentGroupRBC.com](http://WilliamsInvestmentGroupRBC.com)

*"Three generations of helping families like yours plan."*

**From:** Anderson, Gary

**Sent:** Tuesday, March 15, 2016 9:58 AM

**To:** Danielson, Stephanie

**Subject:** FW: List of Easton Lions TV Auction Items

See Lee's question below.

Is there a name for this group?

And who is on it? Dan M, Lee, you...?

Danielson, Stephanie

Tue 3/15/2016 12:47 PM

Inbox

To:

'Williams, Avery (RBC Wealth Mgmt)' <[avery.williams@rbc.com](mailto:avery.williams@rbc.com)>;

Nestler, Carol;

...

Cc:

Colton, David;

Anderson, Gary;

...

You replied on 3/17/2016 3:15 PM.

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Lee,

I've copied Carol on this response. The group Carol is referencing was the small working group that met last year to talk about developing a master plan for the Gill property. There were three or four meetings, with varying degrees of participation (i.e. everyone did not attend all meetings) from Dan Murphy, Anne Daley, Bob Benton, Tana Babbitt, Jonathan Chace, you and myself. There are no minutes as it was an informal group with no decision-making power. The thrust of the discussion was: 1) the wetlands on the site need to be fully delineated in order to better know what portions of the site can be developed for active recreational use; 2) DPW should be asked to seek a second round of quotes for the solid waste cleanup of at least the front portion of the site; and 3) as part of the Open Space Plan update the recreation commission would talk to the various sports organizations in town to determine what their needs are for facilities as this information would be helpful in determining what should or might be constructed on the property.

Stephanie

Nestler, Carol

Thu 3/17/2016 3:15 PM

Sent Items

To:

Danielson, Stephanie;

...

Cc:

Colton, David;

Anderson, Gary;

...

So can someone tell me if the CPC minutes were correct in that the lowest bid for clean up at the Gill property we received was 75K? Also Stephanie you state " DPW should be asked to seek a second round of quotes for the solid waste cleanup of at least the front portion of the site" I have asked about the cost of clean up several times and have received answers from the town. I believe the total is \$19,191 (see 03/11/16 response from David C) Can anyone tell me if the number I received is for the entire site for just the front portion of the site? Also on that 3/11 email references the quotes but there were not attached. If someone could send me the quotes that would be great!

Carol

Danielson, Stephanie

Fri 3/18/2016 9:27 AM

Inbox

To:

Nestler, Carol;

...

Cc:

Colton, David;

Anderson, Gary;  
Field, David;  
'Monica Groh' <mgroh@planning.org>;

...

3 attachments

[KLK proposa~.pdf](#)    [KLK proposa~.pdf](#)    [KLK proposa~.pdf](#)  
36 KB [Open in browser](#) 28 KB [Open in browser](#) 32 KB [Open in browser](#)

Carol,

The quote Lee referenced in the August CPC meeting was for clean-up of the entire site including two solid waste piles located off the transmission lines; the amount actually quoted was between \$66-68k. The \$19,191 was for clean-up of the front portion of the site only.

Attached are the quotes received from KLK.

Stephanie

## 9. Relationships with other levels of Government

The Town Administrator shall strive to establish positive working relationships with agencies of other towns, the Commonwealth of Massachusetts, and the Government of the United States.

Objectives:

- Review, analyze, represent and present the position of the town and Board of Selectmen relative to implemented and proposed legislation and governmental policies and regulations.
- Pursue funding opportunities in support of town priorities and policy goals.
- Stay abreast of and perform research involving governmental legislation, policies and regulations.

**Meets Expectations: The most important thing in this area was to make sure the positive working relationship we had with the previous Governor's administration survived the transition to a new Governor and cabinet. I believe that we are in good shape, so far, given multiple positive contacts with the Executive Office of Housing and Economic Development, Department of Energy Resources, Department of Revenue and Lieutenant Governor's office. One demonstration of this success is the Town's entering into the Community Compact Agreement with the Commonwealth, which has already secured grant funding towards the Town's identification of best management practices.**

### **Dottie Fulginiti – Meets expectations.**

David has met with several Cabinet Secretary members to further Easton's relationship with state leadership. These relationships are crucial as we prepare to enter the second phase of our downtown redevelopment. These are the relationships that open the doors to grants and funding opportunities.

**Kevin McIntyre – Meets expectations.**

**Dan Murphy - Meets expectations.**

**Carol Nestler – Meets expectations.**

I think there are many relationships that David maintains with other levels of government that could be considered good to excellent. There are also boards and committees where I think the relationships could use improvement.

#### 10. Personal and professional growth

The Town Administrator shall pursue his continued growth and advancement and enhance his education for the good of the town.

Objectives:

- Attend professional meetings, seminars and conferences including the International City Management Association annual conference in September and the MMA conference in January.
- Continue active membership in state and national professional organizations.
- Continue to participate as a member of the MMA Personnel and Labor Relations Policy Committee.

**Exceeds Expectations: Although I did not attend the MMA conference, my participation in the MMA Personnel and labor Relations Policy Committee was fruitful in that many of our recommended best practices were adopted by the MMA at the conference. In addition, many policy committee items have been included in Governor Baker’s Municipal Modernization Act. I did attend the ICMA annual conference, and have maintained membership in the American Planning Association, American Public Works Association, and the ICMA. I was invited to join the Citizen Housing and Planning Association (CHAPA) Policy Leadership Counsel. Finally, I am now a member of the Easton Lions Club.**

**Dottie Fulginiti - Meets expectations.**

David is well known and well respected by municipal leaders in the Commonwealth as well the Governor’s office. David holds positions on several high profile Boards and Committees. His leadership is an asset for Easton and David is an outstanding ambassador for our town.

**Kevin McIntyre – Meets expectations.**

David’s contacts at the state level have been an asset to the Town.

**Dan Murphy - Exceeds expectations.**

David continues to be in demand for boards and advisory groups and continues to find new areas to investigate.

**Carol Nestler – Exceeds expectations.**

I think David exceeds expectations.